IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL MISC. APPLICATION NO. 226 OF 2005

IN

STAMP NUMBER MAIN NO. 2603 OF 2005

MR. VISHNU BHAT, CURCHOREM GOA. ....Applicant

Versus

NARAYAN R. BANDEKAR AND 2 ORS., ...Respondents

Shri S. G. Bhobe,Advocate for the Applicant.

Mr. Agnelo F. Diniz Advocate for Respondent.

Coram:- N. A. BRITTO, J.

Date:- 19th January, 2006

P.C.

Heard Shri Bhobe, the learned Counsel on behalf of the Applicant/Complainant and Shri Diniz, the learned Counsel for the respondents.

A cheque for the sum of Rs.30,000/- was given by accused Narayan R. Bandekar to the complainant towards the liability which respondent nos. 2 and 3 owed to the said complainant. The said cheque when presented by the complainant to the Bank, was returned dishonoured. There is no dispute that the complainant received the payment of the said cheque but it is alleged that the said payment was received by the complainant after the offence was committed under Section 130 of the Negotiable Instruments Act, 1881. It is submitted on behalf of accused Narayan R. Bandekar, that the said cheque was given only by way of security towards the liability payable to the complainant by respondent

nos. 2 and 3.

In my view, the matter requires consideration hence, Special Leave to Appeal against accused Narayan R. Bandekar is granted. Appeal under Stamp No.2603/2005 to be registered. Upon registration, action under section 390 Cr.P.C. to follow by the learned J.M.F.C., Vasco da Gama. The accused to execute a bond with one surety of Rs.10,000/- before the learned J.M.F.C.

N. A. BRITTO, J.

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